IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2445 OF 2007

Shri Pramod Babulal Pawar] .. Petitioner

Versus

1. Dyan Sadhana Shikashan Titwala & ors] .. Respondents

Mrs. Anita Agarwal for the petitioner.

Mr. A.A. Garge for the respondent No.2.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 16TH OCTOBER, 2007

P.C. :

1. By this petition, the petitioner challenges his termination from service as an assistant teacher. According to the petitioner, the management of the school was transferred from the respondent No.1 to the respondent No.2 and at the time of change of the management, undertaking was given by the respondent No.2 to absorb all the teachers appointed by respondent No.1. It is alleged that in breach of the said undertaking, services of the petitioner have been terminated.

2. Initially, the counsel for the petitioner attempted to submit that the petitioner is still in the

employment and his name continues in the muster roll. On our query as to how the petition is maintainable if the petitioner is still in service, the counsel submitted that the services of the petitioner have been terminated and petitioner is not in service.

3. If the services of the petitioner have been terminated unlawfully, the remedy of an appeal before the School Tribunal is available to the petitioner. In view of the alternate, adequate and efficacious remedy provided by the statute itself, we decline to entertain the petition. Writ Petition is, accordingly, dismissed.

4. We clarify that the petitioner is at liberty to approach the School Tribunal, if so advised, subject to the law of limitation.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]